

**UNITED STATES OF AMERICA  
NATIONAL LABOR RELATIONS BOARD  
DIVISION OF JUDGES**

THE RUPRECHT COMPANY	:	
	:	
Respondent,	:	
	:	
and	:	Case No.: 13-CA-155048
	:	13-CA-155049
UNITE HERE LOCAL 1	:	13-CA-156198
	:	13-CA-158317
Charging Party	:	
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**THE RUPRECHT COMPANY’S STATEMENT OF POSITION  
REGARDING THE CHARGING PARTY’S OFFER OF PROOF**

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On March 15, 2016, pursuant to paragraph 29 of the parties’ Joint Motion and Stipulation of Facts and Exhibits, Charging Party UNITE HERE Local 1 (“Local 1) submitted to the Administrative Law Judge an Offer of Proof, seeking to introduce into evidence the Declaration of Daniel Abraham and Exhibit A thereto, which consists of a collective bargaining agreement between Local 1 and the Sheraton Chicago Hotel & Towers. The Ruprecht Company (“Respondent” of “Ruprecht”) asserts that the Charging Party’s disputed evidence is not dispositive of any of the issues raised in the stated cases nor is it relevant. Therefore, Ruprecht objects to receipt of the evidence.

The mere fact that Local 1 has purportedly bargained over the use of E-verify with other employers has no bearing on whether Ruprecht was required to bargain with Local 1 over its usage of E-verify. Specifically, the Complaint alleges Ruprecht violated Sections 8(a)(1) and (5) of the Act when it unilaterally enrolled in the E-Verify employment eligibility verification program without affording Local 1 the opportunity to bargain with respect to this conduct. Thus, the subject matter of various other collective bargaining agreements Local 1 has with other

companies is not relevant to its bargaining with Ruprecht or whether Ruprecht violated the Act. To be sure, Ruprecht and Local 1 did participate in bargaining over E-Verify, Local 1 ultimately agreed to its use and it is memorialized in the recently ratified agreement.

The evidence the charging party seeks to introduce in its offer of proof has no bearing on the allegations listed in the Complaint. The evidence is not relevant, nor is needed by the General Counsel in order to prove the allegations listed in the Complaint. In regards to collective bargaining and a union's obligation to provide the employer with copies of its collective bargaining agreements with other companies, the Board has held that such agreements are relevant and disclosable if, during the course of bargaining, the union has placed those other contracts "in issue" by relying upon them as support for its proposals or in defending against the employer proposals. See, 215 NLRB GCM LEXIS 16, citing, in *Coca-Cola Bottling Co.*, 302 NLRB 312, 312 n.2 (1991). This is not case. More importantly, the issue to be resolved is purely legal, and as such, the information is not relevant.

For all the reasons noted above, the information being sought is beyond the scope of the Complaint and is not probative of whether Ruprecht violated the Act. Accordingly, it is not relevant and should be introduced.

Respectfully submitted,

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## **CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on March 29, 2016 an electronic original of the forgoing document was transmitted to the following individuals by electronic mail:

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